

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Christopher Shannon Johnson, also known)	
as Christopher S. Johnson)	C/A No: 6:13-cv-01652-JMC-KDW
)	
Plaintiff,)	
)	
v.)	Report and Recommendation
)	
County of Greenville, Craig Hawkins,)	
Joseph Parrish, Claude Todd, Laura)	
Campbell, Johnny Brown, James Cannon,)	
Joyce K. Monts, Jason Bash,)	
)	
Defendants.		

Plaintiff Christopher Shannon Johnson is a state prisoner who brought this civil rights action pro se pursuant to 42 U.S.C. § 1983. This matter comes before the court on Plaintiff's Motion for Preliminary Injunction, Motion for Temporary Restraining Order, filed on October 21, 2013. ECF No. 51. Pursuant to 28 U.S.C. § 636(b)(1)(B), and Local Rule 73.02(B)(2)(e), D.S.C., this magistrate judge is authorized to review pretrial matters in cases involving pro se litigants and submit findings and recommendations to the district court.

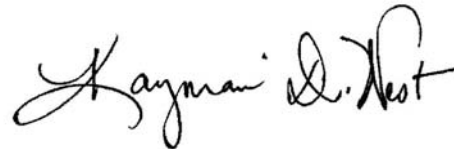
Plaintiff files this Complaint against the State of South Carolina and requests that the court issue an order restraining the State of South Carolina from hearing his State Post Conviction Relief ("PCR") action that is currently pending in the Greenville County Court of Common Pleas.¹ ECF No. 51 at 1, 5. Plaintiff argues that he filed a Petition to Remove his State PCR action to this court on or about July 31, 2013, and upon information and belief his Petition was accepted by the court. *Id.* at 1-2. Plaintiff therefore argues that the State of

¹ Case No. 2012-CP-23-3757.

South Carolina's attempt to adjudicate his PCR action on August 2013, "without an order for remand being issued by the District Court" was improper as the State of South Carolina no longer had the "ability to prosecute the case." *Id.* at 3.

Plaintiff seeks injunctive relief from the State of South Carolina in this case; however, the State of South Carolina is not a party to this action. This court must have jurisdiction over the person or entity against whom the injunction is sought. *See* Fed. R. Civ. P. 65(d); *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 957 (4th Cir. 1999). Because the relief requested by Plaintiff cannot be properly obtained from the Defendant in this matter, the court recommends that Plaintiff's Motion for Preliminary Injunction, Motion for Temporary Restraining Order, ECF No. 51, be denied. The court further notes that Plaintiff's Motion to Remove Case No. 2012-CP-23-3757 from the Greenville County Court of Common Pleas, *see* ECF No. 53, was denied by Order of this Court on November 22, 2013. ECF No. 59.

IT IS SO RECOMMENDED.



December 19, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
"Notice of Right to File Objections to Report and Recommendation."**